



2. Defendants timely filed their Response in Opposition to Plaintiffs' Motion for Leave to File Supplemental Motion for Summary Judgment and Request for Sanctions Against Plaintiffs [Doc. 121] on July 24, 2023. Plaintiffs subsequently filed Plaintiffs' Reply to Defendants' Response in Opposition to Plaintiffs' Motion for Leave to File Supplemental Motion for Summary Judgment and Request for Sanctions Against Plaintiffs [Doc. 122] (the "Reply") on July 31, 2023.

3. Plaintiffs' Reply contains new legal and factual arguments not previously asserted in Plaintiffs' Motion for Leave. Specifically, Plaintiffs' Reply now includes a Rule 16(b) analysis and Plaintiffs' new factual and legal contentions regarding each of the four factors that must be considered in determining whether Plaintiffs have satisfied their burden of showing good cause to allow leave to file Plaintiffs' Proposed Supplemental Motion for Summary Judgment.

4. Therefore, Defendants respectfully requests leave to file Defendants' Sur-Reply to address Plaintiffs' new arguments and legal analysis contained in Plaintiffs' Reply. In accordance with Local Rule CV-7(b), a copy of the Defendants' proposed Sur-Reply to Plaintiffs' Reply to Defendants' Response in Opposition to Plaintiffs' Motion for Leave to File Supplemental Motion for Summary Judgment and Request for Sanctions Against Plaintiffs is included with this Motion for Leave.

Dated: August 7, 2023.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on the 7<sup>th</sup> day of August 2023 a true and correct copy of the foregoing was electronically via the CM/ECF System to all counsel of record.

/s/Ricardo G. Cedillo  
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